



2622

PATENT  
ATTORNEY DOCKET NO.: 046601-5034

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Shigeru TSUKIMURA ) Confirmation No.: 7883  
Application No.: 09/450,584 ) Group Art Unit: 2622  
Filed: November 30, 1999 ) Examiner: T. Carter  
For: IMAGE PROCESSING DEVICE AND )  
IMAGE PROCESSING METHOD )

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Technology Center 2600

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**RESPONSE TRANSMITTAL FORM**

1. Transmitted herewith is a Response and Request for Reconsideration in response to the Office Action dated May 8, 2003 (Paper No. 5).
2. Additional papers enclosed:

Verified Translation of Japanese Patent Application No. 11-031897  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	9	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	5	minus	5	0	x \$84 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge the amount of \$ \_\_\_\_\_ for the \_\_\_\_\_ -month extension of time fee to Deposit Account No. 50-0310.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 1, 2003

By:

  
Victoria D. Hao  
Reg. No. 47,630

**CUSTOMER NO. 09629**

MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 739-3000



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## **RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Office Action dated May 8, 2003 (Paper No. 5), the period for response to which extends through August 8, 2003, favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

## Summary of the Office Action

Claim 9 stands rejected under 35 U.S.C. §102(e) as being anticipated by *Trask* (U.S. Patent No. 6,549,303).

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Trask* in view of *Kanata et al.* (U.S. Patent No. 6,473,202).

Summary of the Response to the Office Action

A verified translation of Japanese Patent Application No. 11-031897 is submitted herewith. No change to the claims has been made by this response. Claims 1-9 remain currently pending.

Claim Rejections Under 35 U.S.C. §§102(e) & 103(a)

Claim 9 stands rejected under 35 U.S.C. §102(e) as being anticipated by *Trask*. Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Trask* in view of *Kanata et al.* These rejections are respectfully traversed for at least the following reasons.

Applicant respectfully submits that neither *Trask* nor *Kanata et al.* should be considered as prior art in the present application under any subsection of 35 U.S.C. §102. On February 1, 2000, Applicant filed a Claim for Priority and a Certified copy of Japanese Patent Application No. 11-031897, which was filed in Japan on February 9, 1999. Pursuant to 37 C.F.R. §1.55(a), Applicant submits concurrently herewith a verified translation of Japanese Patent Application No. 11-031897. The U.S. filing date of *Trask* is September 20, 1999, which is after the priority date to which the present application is entitled. Also, the U.S. filing date of *Kanata et al.* is May 19, 1999, which is after the priority date to which the present application is entitled. The publication date of any foreign counterpart applications of *Trask* and *Kanata et al.* are also presumably after the priority date to which the present application is entitled. Accordingly, Applicant respectfully submits that *Trask* and *Kanata et al.* should not be considered as prior art to the present application under any subsection of 35 U.S.C. §102. Hence, withdrawal of rejections of claims 1-9 under 35 U.S.C. §§102(e) and 103(a) is respectfully requested.

**Conclusion**

In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

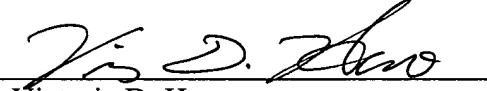
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 1, 2003

By:



Victoria D. Hao

Registration No. 47,630

**Customer No.: 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202.739.3000

Facsimile: 202.739.3001



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VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the Japanese language and believe the attached English translation to be a true and complete translation of the document identified below.

The document for which the attached English translation is being submitted is Japanese Patent Application No. 11-031897 filed in Japan on February 9, 1999.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of the translator Junko YOSHIKAWA

Post Office Address: c/o Fuji Xerox Co., Ltd., 430 Sakai, Nakai-machi,  
Ashigarakami-gun, Kanagawa 259-0157 Japan

Signature of the translator: 

Date: 7/19/2003